Patent

Attorney Docket: 892,280-499

Group Art Unit: Not yet assigned

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

LAZZARINI et al.

Serial No.: Not yet assigned

Filed: Submitted herewith

For: ANTIBIOTIC 107891, ITS FACTORS

A1 AND A2, PHARMACEUTICALLY ACCEPTABLE SALTS AND

COMPOSITIONS, AND USE

THEREOF

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449. Also attached are related International Search Report and Supplemental European Search Reports (from priority application).

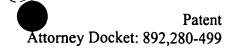
The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' (Label No. EV337191292US) in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

January 11, 2005

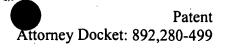
Date of Deposit IR1:1061186.1 Cynthia B. Pacheco



Information Disclosure Statement Filing Provision:

\boxtimes	This II	OS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is	
(1) wi	thin thre	ee months of the filing date of the application, which is not a continued prosecution	
applic	ation fil	ed under § 1.53(d); or (2) within three months of entry of the national stage as set forth	
in 37 (CFR§1	.491; or (3) before the mailing of a first Office action on the merits; or (4) before the	
mailin	g of a fi	rst Office action after filing a request for continued examination under § 1.114. Thus,	
no fee	is requi	red.	
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.	
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.	
This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.			
		The fee due under 37 CFR § 1.17(p) is submitted herewith.	
•		A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.	
A state	1.113 o	OS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. Inder 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is swith.	
		Statement Under 37 CFR § 1.97(e):	
	Each it	em contained in this IDS was first cited in any communication from a foreign patent	
office i	n a cou	nterpart foreign application not more than three months prior to the filing of this IDS.	
	No iten	n contained in this IDS was cited in a communication from a foreign patent office in a	
counte	part for	eign application, and, to the knowledge of the person signing this statement after	
making	reasona	able inquiry, no item of information contained in this IDS was known to any	
ndividual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.			

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PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

A check in the amount of \$180.00 is enclosed for the above fee(s).				
Please charge to Deposit Account No.	50-2862 for the above fee(s).			
Reference AC is in a language other than the Eng	glish language. A concise explanation of			
relevance is given below.				
Ref AC: Discloses an Antibiotic 5F-2240 prepar	red from Microbispora strain, having weak			
antimicrobial activity against Gram positive and negative bacteria. It is a strain newly separated				
from soil. Cultivation of the strain yeilds the novel antibiotic substance SF-2240. Appearance:				
white amorphous powder; melting point: 104W108°C; elemental analysis: C 53.13%, H 6.15%, N				
16.26%, O 24.75%; molecular weight: 591; molecular formula: C26H37N7O9; solubility: soluble in				
water and lower alcohol, insoluble in organic solvents such as ethyl acetate, benzene, hexane, etc.;				
color reactions: positive to Lemieux, sulfuric acid, ninhydrin, and Greig-Liepack reagent, and				
negative to Sakaguchi's reagent				
The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to O'Melveny and Myers' Deposit Account No. 50-2862.				
	Respectfully submitted,			
·	O'MELVENY & MYERS LLP			
Dated: January 11, 2005 By:	Diane K. Wong Reg. No. 54,550 Attorneys for Applicant			
O'Melveny & Myers LLP 114 Pacifica, Suite 100 Irvine, CA 92618-3315 (949) 737-2900				

IRI:1061186.1 3